IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:22-CV-0068

YOLANDA IRVING, et al.,)
Plaintiffs,) MOTION TO AMEND THE COMPLAINT
VS.	TO REPLACE JOHN DOE DEFENDANTS WITH NAMED
CITY OF RALEIGH, et al.,	OFFICERS
Defendants.)

Plaintiffs, by and through undersigned counsel, move the Court pursuant to Federal Rule of Civil Procedure 15(a)(2) to amend the complaint to replace John Doe Defendants with properly named and identified SEU Officer Defendants. The proposed Second Amended Complaint is attached as Exhibit B. In support of this motion, Plaintiffs respectfully show the Court as follows:

- 1. This action was commenced on February 22, 2022.
- 2. Plaintiffs named John Doe Defendant SEU officers and alleged that the John Doe Officers illegally entered Plaintiffs' homes and used excessive force against Plaintiffs.
- 3. On July 6, 2022, Magistrate Judge Numbers entered a scheduling order that required all motions to join additional parties or to amend the pleadings to be filed by August 20, 2022.
- 4. On July 19, 2022, Plaintiffs provided counsel for SEU Officer Defendants with screen shots of body camera footage of each of the John Doe SEU Officers.
- 5. On August 8, 2022, counsel for the SEU Officer Defendants provided a letter to Plaintiffs' counsel identifying each of the SEU Officer Defendants.

- 6. Federal Rule of Civil Procedure 15(a)(2) permits "a party [to] amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires."
- 7. SEU Officer Defendants consent to this amendment. Written consent is attached to this motion as Exhibit C.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order granting Plaintiffs' motion to amend the complaint and deeming the Second Amended complaint filed.

Respectfully submitted, this the 20th day of August 2022.

Abraham Rubert-Schewel (N.C. Bar #

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